

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KARLIS RUBEN AUGUSTUS
HOWARD,

Plaintiff,

v.

O. BAILEY, et. al.,

Defendants.

Case No. 1:24-cv-00897-HBK (PC)

CLERK TO ASSIGN CASE TO DISTRICT
JUDGE AND CLOSE CASE BASED UPON
PLAINTIFF'S VOLUNTARY DISMISSAL
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)

(Doc. No. 18)

On March 21, 2025, Plaintiff filed a Notice to Dismiss This Action Without Prejudice. (Doc. No. 18, "Notice").¹ The Notice, signed and dated by Plaintiff on March 16, 2025, states that Plaintiff wishes to dismiss this entire action without prejudice, pursuant to Federal Rule of Civil Procedure 41, 45, and 46.² (*Id.* at 2). The Notice follows the Court's January 16, 2025, Screening Order, which found that Plaintiff's First Amended Complaint failed to state any cognizable federal claim. (*See* Doc. No. 15). Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this

¹ Plaintiff's labeled the pleading a "Motion" but as noted *infra*, the court need not approve a dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

² Rules 45 and 46 are not applicable to a voluntary dismissal. Rule 45 governs issuance of subpoenas and Rule 46 addresses formal objections to court rulings or orders.

1 action by operation of law without further order from the Court. *See* Fed. R. Civ. P.
2 41(a)(1)(A)(i).

3 Accordingly, it is **ORDERED**:

4 The Clerk of Court is directed to assign this case to a district judge, vacate all deadlines
5 and CLOSE this case to reflect Plaintiff's Notice of Voluntary Dismissal *without prejudice* (Doc.
6 No. 18) consistent with Fed. R. Civ. P. 41(a)(1)(A)(i).

7
8 Dated: March 24, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE